HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17614 of 2007

Dated:21.08.2007

Between:

M/s. Harvest India.

…Petitioner.

and

The Tahsildhar and another.

…Respondents.

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.17614 of 2007

ORDER:

The petitioner is a registered society, which is statedly an approved NGO under the Foreign Collaboration Regulations Act, 1976 and exempted by the Income Tax Department. The society purchased an extent of Ac.1.72 of land in survey No.618/8 situated at Vejendla Village of Chebrolu Mandal in Guntur District, under a registered sale deed, dated 29.11.2002, from Sri Ramkumar and Smt.Dhanalakshmi. The land was purchased for the purpose of construction of a school for orphan children. It submitted a plan to Viajayawada Urban Development Authority (VUDA), and in anticipation of proper sanction, it commenced the construction. But when an objection was raised by VUDA, construction was stopped. It alleges that on 13.08.2007, at about 4.00 p.m., staff from the office of the respondents asked the petitioner's representative to vacate the property and remove the construction. Allegedly no notice was given and reasons for such action were not informed. Therefore, the petitioner filed instant Writ Petition.

Even according to the petitioner-society, VUDA has not yet granted building permission to it. This could be one reason for preventing the petitioner-society from making further construction. Be that as it is, as the Writ Petition is filed on mere apprehension, it would not be proper for this Court to grant injunction in its favour restraining the respondents from their statutory functions. Even if the respondents initiate any action against the petitioner-society, presumably on the

ground that it is of Government land, they have to follow the due process of law on issuing a notice to the petitioner-society.

The Writ Petition, with the above observation, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

21.08.2007

GJ